

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION**

<b>APPALACHIAN POWER COMPANY,</b>	)	
<b>Plaintiff,</b>	)	
	)	<b>Civil Action No. 7:09-cv-360</b>
<b>v.</b>	)	
	)	
<b>J. STEPHEN ARTHUR and</b>	)	<b>By: Hon. Michael F. Urbanski</b>
<b>DONNA S. ARTHUR,</b>	)	<b>United States District Judge</b>
	)	
<b>Defendants.</b>	)	

**ORDER**

For the reasons set forth in the accompanying memorandum opinion, the court hereby **GRANTS** plaintiff's motion for summary judgment. The court concludes that plaintiff is entitled to the injunctive relief it seeks and therefore **ORDERS** defendants to complete the following, not later than 90 days after entry of this judgment:

- 1) Defendants shall remove the 49.9 foot long "T"-shaped floating dock and wood piling;
- 2) Defendants shall remove the end of the "floating dock" (approximately 10.5 feet of that dock) on the western side of the boat ramp to make it even with the end of the stationary dock which is located on the opposite side of the boat ramp;
- 3) Defendants shall remove the decking around the storage building identified on the May 21, 2010 Mattern & Craig survey as "wood deck";
- 4) Defendants shall remove the portion of the wood sidewalk to the west of the boat ramp that is located parallel to the shoreline;
- 5) Defendants shall remove any fill that has been placed by defendants, or any structures that have been built or placed by defendants, below the original 800 fmsl contour as it is shown on the May 21, 2010 Mattern & Craig survey, except those shown on the previously submitted permit for non-conforming structures;
- 6) Defendants shall also restore the shoreline to its previous condition in the places where the decking, sidewalk, and structures referenced in paragraphs 1 through 5 are removed; and
- 7) Defendants shall make application to APCO for a permit which covers the remainder of the other docks.

Additionally, it is hereby **ORDERED** that defendants shall pay APCO the \$250 which was ordered by the court in 2010 to be paid as a sanction for failure to respond to APCO's discovery request.

Consistent with the above, judgment is hereby **ENTERED** in plaintiff's favor and this case is **STRICKEN** from the active docket of the court. The Court will retain jurisdiction over this matter for the purposes of enforcement of the injunctive relief entered herewith.

Finally, the Clerk is directed to send a copy of this Order to all counsel of record and to the pro se defendants.

It is **SO ORDERED**.

Entered: August 11, 2014

*/s/ Michael F. Urbanski*

Michael F. Urbanski  
United States District Judge